

ILCC News

Newsletter of the Illinois Liquor Control Commission

An Important Message on the COVID-19 Coronavirus from ILCC Director Chima Enyia

As COVID-19 cases skyrocket across the nation, the Illinois Liquor Control Commission is working with state police and local municipalities to help limit potential virus spread by ensuring group gatherings at licensed liquor establishments are compliant with phase four of Restore Illinois.

With record-high COVID-19 outbreaks across the nation, our communities must remain vigilant to prevent a resurgence in our state. It is crucial that Illinois licensed liquor establishments operate responsibly, and adhere to the parameters of Illinois' revitalization efforts. If necessary, state and local liquor authorities may take immediate action against the license of establishments found to be threatening the welfare of the community.

Under the Illinois Liquor Control Act (235 ILCS 5/7-5), local liquor commissioners may temporarily cease the liquor license of a business found to be posing an immediate threat to the welfare of their community. Suspensions may last up to seven days.

Phase 4 of Restore Illinois phase indicates seated area capacity of restaurants and bars should be determined by arranging seating to provide a minimum of six feet between tables or other designated patron service areas. Indoor dining can reopen with groups of 10 or less, with tables spaced 6-feet apart in seated areas and with standing areas at no more than 25% of capacity. Capacity restrictions will be reassessed based on the latest science and public health metrics on an ongoing basis throughout Phase 4. Among other things, these requirements include wearing face coverings in bars and restaurants, practicing social distancing, washing hands regularly, and following signage.

For additional information related to COVID-19 and the ILCC, please visit the ILCC's website at: www.illinois.gov/ilcc.

IDPH safety guidance for retail restaurant and bar establishments (<https://www.dph.illinois.gov/topics-services/diseases-and-conditions/diseases-a-z-list/coronavirus/business-guidance/food-service>)

DCEO Phase 4 Resources for Bars and Restaurants (<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/indoor-and-outdoor-dining/>)

Division News

COVID-19 COMPLIANCE DIRECTIVE

COVID-19 Q & A.....2

LICENSING

Illinois Liquor Licenses Renewals.....9

How to Print ILCC Correspondence Letters and Licenses10

LEGAL

Delinquencies and Bona Fide Disputes11

ENFORCEMENT

What's the Mix-up? Pre-mix vs. Infusion.....12

INDUSTRY EDUCATION

Industry Education13

COMMUNITY

Community News & Events....13

BASSET

Controlling Risk15

MATERIALS & BULLETINS

BASSET Issues and Information16

BASSET Training Required for Alcohol "To Go" and Delivery16



COVID-19 Questions & Answers

COVID-19 Compliance Frequently Asked Questions Updated June 26, 2020

- Q.** When is Governor Pritzker's Phase 4 Restore Illinois Plan effective?
- A.** Beginning June 26, 2020 and continuing for the duration of Phase 4 of the Restore Illinois Plan (date to be determined).
- Q.** Is Phase 4 of the Restore Illinois Plan statewide or is it only for specific counties?
- A.** Phase 4 of the Restore Illinois Plan is statewide but the State is broken into four regions as indicated in this link: <https://coronavirus.illinois.gov/sfc/servlet.shepherd/document/download/069t000000BadS0AAJ?operationContext=S1>
- A.** As of June 26, 2020, all Illinois regions have progressed to Phase 4 (although it is possible some regions may progress to Phase 5 or regress to Phase 3 at future dates).
- Q.** Where can I find all necessary information on Restore Illinois Phase 4 reopening procedures?
- A.** The Illinois Department of Commerce and Economic Opportunity (hereafter "DCEO") website for Phase 4 Guidelines for Reopening. <https://dceocovid19resources.com/restore-illinois/restoreillinois-phase-4/>
- Other relevant links:**
- Indoor and Outdoor Restaurant/Bar Homepage
<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/indoor-and-outdoordining/>
- Indoor and Outdoor Restaurant/Bar Phase 4 Guidelines:
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/restaurantbars.pdf>
- Meetings and Social Event Homepage
<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/meetings-and-social-events/>
- DCEO Meetings and Social Event Phase 4 Guidelines
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/meetings.pdf>
- DCEO Retailer Homepage
<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/retail/>
- DCEO Retailer Phase 4 Guidelines
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/retail.pdf>
- Q.** How and where may I permit food and beverages to be consumed on my licensed premises?
- A.** At indoor and outdoor licensed locations, per Department of Commerce and Economic Opportunity requirements:
1. [Seated areas] Area capacity should be determined by arranging seating to provide a minimum of 6 ft. between tables or other designated patron service areas.
 2. [Standing areas] Maximum occupancy of 25% of standing area capacity
 3. 10-person party limit
 4. Configure space to allow for at least 6-ft. of distance between tables or other designated patron service areas; if tables/ booths cannot be moved, employers should only use every other table/ booth to allow for separation between patrons of unrelated parties
 - i. Bar seating should be spaced 6-ft apart to maintain social distancing between patrons of unrelated parties
 - ii. [Booths only] Employers may use consecutive booths to serve patrons of unrelated parties only if employer installs an impermeable barrier with a height of 6-ft or greater from the floor between booths. Use of barriers should not impede entry/ exit or impose a fire risk. Use of plexiglass is a best practice
 5. To the extent possible, patrons should wait for services off premises, either outdoors and maintaining social distance of 6-ft with use of

continued on page 3.

ILCC News Article suggestions are welcome!

The ILCC welcomes your input to enhance the *ILCC News*. If you have a suggestion for an article or topic or have a helpful hint to share with other licensees, please contact the ILCC's Chicago Office.

ILCC News is published by the Illinois Liquor Control Commission for state liquor licensees, local government officials, industry associations, and related government agencies.


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Published by the Authority of the State of Illinois.
(7/20)
IOCI 21-007 

continued from page 2.

recommended face coverings or in their vehicles. Patrons can wait in waiting area, but should adhere to 6-ft distancing guidelines

6. Live music is permitted but employees and performers should follow social distancing guidelines, keeping the maximum distance possible from each other and from customers. Performers should wear face coverings where possible and the use of barriers between singers and customers and employees during the performance is strongly encouraged; additional guidelines for performers can be found in the Theaters and Performing Arts guidelines
7. Before allowing external supplier or non-patron visitor (excluding third-party visitors providing carryout services only) to enter, or while requiring them to wait in a designated area, employer should ask whether external supplier or visitor is currently exhibiting COVID-19 symptoms
 - i. If practical, employer should take external supplier or non-patron visitor temperature using thermometer (infrared / thermal cameras preferred, touchless thermometers permitted)
8. Keep log of all external suppliers who enter premises
9. Suppliers and other non-patron visitors should wear face coverings over their nose and mouth when entering premises (exceptions can be made for people with medical conditions or disabilities that prevent them from safely wearing a face-covering)

Encouraged best practices

1. If practical, alter hours of operation to adequately spread out patron traffic and allow for additional cleaning time.
2. Stagger shift start and end times to minimize congregation of employees during changeovers
3. If practical, group employees in clusters and schedule groups on same shifts to reduce cross-team exposure
4. Limit contact between external suppliers and employees
5. Restrict suppliers from entering premises and if practical, have deliveries dropped at door
6. Before allowing entrance, employers should ask whether patron is currently exhibiting COVID-19 symptoms
 - i. If practical, employer should take patron temperature using thermometer (infrared /

thermal cameras preferred, touchless thermometers permitted)



- Q. What are the limitations on indoor/outdoor occupancy for a bar or restaurant?
 - A. 1. Tables of no more than 10 persons per group are required to be 6 feet or more apart.
 2. Occupancy for standing areas is limited to no more than 25% of the standing occupancy area.
- Q. Does Phase 4 allow outdoor special events?
 - A. General admission public gatherings are not permitted in Phase 4. Therefore, the Illinois Liquor Control Commission will not issue a special event retail liquor license for events anticipating general admission gatherings. License issuance for non-general admission events will be considered on a case by case basis to determine if the event qualifies under Phase 4 restrictions.
- Q. Are alcohol tastings still permitted at a bar, restaurant, or other off-premise retail locations?
 - A. Per DCEO guidelines, "Shopping mall food courts and grocery and convenience store dining, drinking and self-service areas should follow Restaurant and Bar guidelines." Therefore, alcohol tastings are permitted under all of the DCEO requirements mandated for restaurants/bars and retail stores. See the following links:
<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/indoor-and-outdoor-dining/>
<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/retail/>
- Q. I am a tavern or brewer with a tap room and do not hold a license of any kind to serve food. May I offer indoor/outdoor drinking at a bar or at tables WITHOUT DINING?

continued on page 4.

continued from page 3.

A. Yes, as long as the business complies with the table and standing requirements of the restaurant/bar guidance.
<https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/indoor-and-outdoor-dining/>

Q. May a Local Liquor Control Commission extend or designate a licensed premises to include a contiguous or adjacent public sidewalk, beer garden, patio, public street, private parking lot, or other similar outdoor area not previously licensed?

A. Yes, a Local Liquor Control Commission may extend or designate a licensed premises to include a contiguous public sidewalk, beer garden, patio, adjacent public street, private parking lot, or other similar outdoor area not previously licensed or customarily designated for eating and drinking. **If the local liquor control commission DOES NOT require additional licensing, there is no requirement for the licensee to file a State Special Use Permit application to extend the licensed address.**

Q. In what situation would a licensee be required to file an Illinois Liquor Control Commission Special Use Permit for Phase 4 outdoor privileges?

1. If the Local Liquor Control Commission requires additional local licensing or permitting for a previously unlicensed adjacent public street, private parking lot, or similar unlicensed area, **the licensee is required to file an Illinois Liquor Control Commission Special Use Permit application.**
2. If a Local Liquor Control Commission issues a temporary local license or permit which designates an outdoor dining and/or drinking area to include a non-contiguous and non-adjacent location with a substantially different address (from the currently licensed location), **the licensee is required to file an Illinois Liquor Control Commission Special Use Permit application**

NOTE: The issuance of a Special Use Permit (or, if necessary, a Not-for-Profit Special Event license) during Phase 4 of the Restore Illinois Plan is solely for the purpose of "dining and drinking." Local Liquor Control Commissions should not extend or designate licensed areas for the purposes of a street fair, summer festival or similar event involving a high concentration of event attendees.

Q. How do I apply for and what are the requirements for a Special Use Permit license?

A. In order to qualify for a Special Use Permit liquor license, the licensee shall:

- Complete and submit Special Use Permit application:
<https://www2.illinois.gov/ilcc/SiteCollectionDocuments/Special%20Use%20Permit.pdf>
- Obtain and submit evidence of local approval (e.g. special license, letter from the local liquor control commissioner authorizing special use location);
- Obtain and submit certificate of insurance for liquor liability for the special use premises. Insured location must include specific special use location.

Application/Document Submission Instructions

- **Deferring Payment/No Prior Application** – If the applicant chooses to defer the Special Use Permit fee OR has not previously filed a Special Use Permit application, the applicant shall email the application and document attachments to LCC.Licensing@illinois.gov. **Payment for a 1 day Special Use Permit is \$100.00. Payment for 2 or more days is \$150.**

Payment in the above amount shall be made by check through the mail on or before 12/31/2020 to Illinois Liquor Control Commission, 100 W.

Randolph St., Suite 7-801, Chicago, IL 60601 or 300 W. Jefferson, Suite 300, Springfield, IL 62702.

REFERENCE your State Liquor License Number (ex. 1A-XXXXXX) and/or your licensed business address OR attach a copy of your Special Use Permit Application.

- **Immediate Processing with No Payment Deferral** - If the Special Use Permit applicant does not choose to defer the license fee payment until 12/31/2020, the Applicant may apply for the Permit online in MyTaxIllinois.gov. (Option only available for licensees who have previously obtained a Special Use Permit).

Q. A Special Use Permit is limited to a maximum of 15 days per location per year. May a Special Use Permit issued under Phase 4 of the Restore Illinois Plan be extended?

A. For any Special Use Permit issued for outdoor dining and/or drinking pursuant to Phase 3 or 4 of the Restore Illinois Plan, the fifteen day limit on Special Use Permits is waived until 15 days after the first day of Phase 5 of the Restore Illinois Plan OR the last special use day authorized by the Local Liquor Control Commission, whichever is first. Special Use Permit holders must cease outdoor dining and/or drinking activity no later than the first of the above cited days.

continued on page 5.

continued from page 4.

- Q.** What is the best way for a local liquor control commission to extend or designate the outdoor dining and/or drinking area?
- A.** A local liquor control commission may require a local licensee to submit any documentation necessary to extend or designate an outdoor dining and/or drinking area. It is highly recommended that the local liquor control commission:
 1. Review and affirmatively approve (if decided) all extended or designated outdoor dining and/or drinking areas.
 2. Require licensees to submit a site plan and floor plan clearly designating the borders of the extended or designated outdoor dining and/or drinking area.
 3. Require the licensee to post the site plan and floor plan on the extended or designated outdoor dining and/or drinking area.
 4. Require licensees to erect physical barriers like stanchions or temporary fencing around the perimeter of the extended or designated outdoor dining and/or drinking area.
 5. Communicate in writing to the licensee that the extended or designated outdoor dining and/or drinking area is temporary and has a specific termination date (e.g. at the conclusion of Phase 3 or Phase 4 of the Restore Illinois Plan).
 6. Any other necessary requirements, conditions, and restrictions.
- Q.** May I erect an overhead tent or other covered but open physical structure to offer outdoor dining and/or drinking per Phase 4 of the Restore Illinois Plan?
- A.** Yes. Tents are permissible under Phase 4 requirements for Restaurants/Bars as long as the licensee complies with the conditions of Phase 4 service including:
 1. Tables of no more than 10 persons per group are required to be 6 feet or more apart;
 2. Occupancy for standing areas is limited to no more than 25% of the standing occupancy area.
- Q.** What are the hours of operation of an outdoor area operating pursuant to Phase 4 Restaurant/Bar requirements?
- A.** The hours of operation for an outdoor dining and/or drinking area are established by the Local Liquor Control Commission and enforced by local law enforcement.
- Q.** I am not licensed to conduct on-premises sales (packaged only). May I offer outdoor dining and/or

drinking pursuant to Phase 4 of the Restore Illinois Plan?

- A.** Outdoor dining and/or drinking is authorized only for license holders with the authority to conduct on –premises sales and service of alcoholic liquor. No license holders with packaged sales only authorization are permitted to conduct outdoor dining and/or drinking.



- Q.** May a local liquor control commissioner designate an outdoor food and beverage consumption area to be on government owned property?
- A.** 235 ILCS 5/6-15 states that “corporate authorities of any city, village, incorporated town, township, or county may provide by ordinance ... that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality, township, or county, or in any building located on land under the control of the municipality, township, or county.”
- Q.** May a local liquor control commissioner designate an outdoor retail licensed premises to be within 100 feet of a church, school, hospital, home for aged or indigent persons or veterans (or their spouses and children) or military or naval stations.
- A.** 235 ILCS 5/6-11 states that a liquor license may be issued within 100 feet of the above cited locations under the following conditions:
 1. To “places where sale of alcoholic liquors is not the principal business carried on” (outside Chicago); OR
 2. If the local liquor control commissioner “grant[s] an exemption” to the 100 foot rule prohibition “if a local rule or ordinance authorizes the local liquor control commissioner to grant that exemption.”
- Q.** How may I serve food and beverages if my business does not have access to an outdoor seating area?

continued on page 6.

continued from page 5.

- A.** Please consult your local liquor control commission to determine if any outdoor food and beverage consumption area could be authorized for your establishment.
- Q.** If the local liquor control commission authorizes my licensed business to allow on-premises consumption of food and beverages without restrictions or contrary to the Phase 4 restaurant/bar requirements, may I permit such activity?
- A.** No, Phase 4 of the Restore Illinois Plan still places restrictions on indoor/outdoor food and beverage consumption across the State which local law cannot override.
- Q.** Can patrons who purchase pick up meals eat these meals on patios, decks or other area's on licensee's property?
- A.** Yes, if conducted according to the Phase 4 Restore Illinois Plan related to indoor/outdoor food and beverage consumption for restaurants/bars.
- Q.** If I am a liquor store that does not sell food or a convenience store that sells food and liquor, may I remain open during Phase 4 of the Restore Illinois Plan?
- A.** Yes, all retailers may open under strict guidelines published by the Illinois Department of Commerce and Economic Opportunity:
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/retail.pdf>
- Q.** Can on-premises or off-premises licensed establishments accept deliveries from beer, wine and liquor wholesalers?
- A.** Yes, all businesses may open, accept deliveries, and distribute products under strict guidelines published by the Illinois Department of Commerce and Economic Opportunity referenced as "External Interactions."
- Q.** As a distiller, may I convert my business to manufacturing hand sanitizer and continue to operate after the Stay at Home Order?
- A.** Yes. A licensed distiller make manufacturer alcoholic liquor or making hand sanitizer under the conditions set forth in this federal bulletin:
<https://www.fda.gov/media/136289/download>
Distillers are also required to abide by any other relevant state and local law.
- Q.** How may golf courses sell food and beverages?
- A.**
- Clubhouses should remain closed.
 - Halfway houses are permissible for takeaway service and outdoor seating consistent with the outdoor restaurant guidance.
 - Beverage carts are permissible.
 - Restaurants can remain open for takeaway service and outdoor seating consistent with the outdoor restaurant guidance. The indoor dining room should remain closed.
 - Food and beverages may be purchased to be consumed on the course.
- See this link for further instructions:
https://www2.illinois.gov/dceo/RestoreIL_DOCS/J011328%20DCEO%20Restore%20IL%20-%20Guidelines%20-%20Golf%20restrictions%20-%20r7.pdf#search=golf
- Q.** May social clubs or private clubs with on-premises liquor licenses permit the consumption of food and beverages on the premises?
- A.** Yes. Indoor/outdoor food and beverage operations should be conducted pursuant to the DCEO Guidelines for restaurants/bars.
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/restaurantbars.pdf>
Clubs may also permit 50 guests OR 50% of overall room capacity for private events or meetings pursuant to DCEO guidelines.
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/meetings.pdf>
- Q.** Can on-premises licensed establishments have private meetings, private events, weddings etc.?
- A.** Indoor and outdoor private events and meetings are permitted but are limited to lesser of 50 guests OR 50% of overall room capacity. See DCEO link for other social event and meeting requirements:
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/meetings.pdf>
- Q.** Can on-premises licensed establishments have private events if the event brings their own alcoholic beverages?
- A.** Yes but the private event is limited to lesser of 50 guests OR 50% of overall room capacity and only if BYO service is permitted by the licensee and local licensing jurisdiction.
- Q.** Can growlers and crows be sold curbside, via drive through or via home delivery?
- A.** On-premises retailers and beer manufacturers that are currently authorized to sell growlers may

continued on page 6.

continued from page 6.

continue to do so pursuant to the conditions set forth in 235 ILCS 5/6-6.5 and temporary delivery guidance bulletins.

- Q.** Can a business licensed to conduct the retail sales on the premises only, sell beer, wine and spirits in the original package over the counter, for curbside pickup, for drive-through service, for home delivery, or through other similar sale and delivery options?
- A.** Yes. Subject to local liquor commission authority and on a temporary basis, all on-premises only retailers may sell and deliver alcoholic liquor in the original package over the counter, for curbside pickup, for drive-through service, and for home delivery (by retailer or 3rd party home delivery service). (Businesses licensed to manufacture alcoholic liquor are temporarily authorized to deliver alcoholic liquor in the original package).
- Q.** How may "to go" mixed drinks and cocktails be sold and delivered?
- A.** Only on-premises retailer licensees (1A licensees) may sell and deliver cocktails to go and only under the conditions set forth in the bulletin titled: "Sales and Delivery of 'To Go' Mixed Drinks or Cocktails" dated June 2, 2020 and 235 ILCS 5/6-28.8. A retailer licensee may not sell and deliver "to go" mixed drinks or cocktails by way of a drive-through or through a 3rd party home delivery service.
- Q.** How are grocery stores affected?
- A.** Grocery stores are not permitted to sell alcoholic liquor for on-premises consumption unless they are licensed for on-premises consumption. If they are licensed for on-premises consumption, grocery stores shall follow the Phase 4 requirements for bars/restaurants. Grocery stores may continue to sell alcoholic liquor for consumption off-premise under the retailer business guidelines.
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/restaurantbars.pdf>
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/retail.pdf>
- Q.** May a hotel/motel with a liquor license continue to sell food and beverages via hotel restaurant, room service, mini- bar or to go?
- A.** Yes. Hotel restaurants may provide indoor/outdoor food and beverage consumption at licensed establishments per the Phase 4 restaurant/bar guidelines.
<https://dceocovid19resources.com/assets/RestoreIllinois/businessguidelines4/restaurantbars.pdf>
- Q.** May a non-resident dealer or manufacturer of alcoholic liquor sell or deliver alcoholic liquor to a licensed distributor if the distributor has not

expressly authorized such sale and delivery?

- A.** No.
- Q.** May a retailer return beer, wine or spirits to a licensed distributor?
- A.** A retailer shall not return beer, wine, and spirits to a distributor unless under expressly authorized by the Illinois Liquor Control Act (235 ILCS 5/6- 5.5).
- Q.** May a brewer, class 1 brewer, class 2 brewer, class 1 craft distiller, class 2 craft distiller, brew pub or distilling pub conduct curbside delivery, home delivery or other similar means of sale?
- A.** Under special temporary circumstances related to the COVID-19 outbreak, alcoholic liquor manufacturers, brew pubs and distiller pubs may deliver alcoholic liquor in the original package if the licensee holds a local retail liquor license and if the local liquor control commission authorizes delivery sales. These license holders are not authorized to sell or deliver pre-mixed cocktails normally intended for on-premises consumption (e.g. pre-mix margaritas, sangrias). If the manufacturer does not hold a local retail license, it is not authorized to conduct retail sales of alcoholic liquor in any form. Local deliveries only are permitted. Shipments by way of a common carrier are not authorized.
- Q.** Can an on-premises liquor license holder allow customers into a premise for video gaming?
- A.** Yes but only pursuant to the Illinois Gaming Board guidelines titled "Protocols for Resumption of Video Gaming Operations" (Updated June 17, 2020)
<https://www.igb.illinois.gov/FilesPressReleases/Updated%20Illinois%20Video%20Gaming%20Resumption%20Protocols.pdf>
- Q.** May bars and restaurants in airports, hospitals and college and university dining halls permit on-premises consumption?
- A.** Yes. Bars and restaurants in airports, hospitals, and college and university dining halls should follow indoor food and beverage requirements for bars/restaurants.
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/restaurantbars.pdf>
- Q.** Can licensed caterers operate?
- A.** Yes. Caterer services are permitted for indoor and outdoor private events and meetings but are limited to lesser of 50 guests OR 50% of overall room capacity. See DCEO link for other social event and meeting requirements:
<https://dceocovid19resources.com/assets/Restore-Illinois/businessguidelines4/meetings.pdf>.

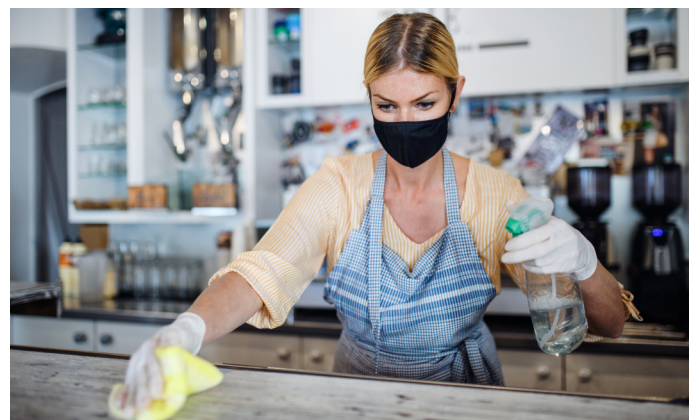
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continued from page 7.

- Q.** Which agencies or law enforcement entities will be enforcing all the new restrictions?
- A.** All agencies with law enforcement authority, including but not limited to Illinois Liquor Control Commission, Illinois State Police, Illinois Department of Public Health, and Local Law Enforcement may coordinate and enforce the new restrictions as appropriate.
- Q.** Can I sell "cocktails to go"?
- A.** Yes. A State of Illinois retailer licensee(1A Retailer) may sell and deliver a mixed drink or cocktail for off-premises consumption strictly under the conditions set forth in the bulletin titled: "Sales and Delivery of 'To Go' Mixed Drinks or Cocktails" dated June 1, 2020 and 235 ILCS 5/6-28.8.
- Local municipalities may prohibit or further restrict the sales and delivery of "to go" mixed drinks/cocktails. Licensed retailers should contact the local liquor control commissioner prior to engaging the sales and delivery of "to go" mixed drinks/cocktails to ensure compliance with local law.**
- The authorization to sell "cocktails to go" is scheduled to expire on June 2, 2021.
- Q.** My license has expired or will expire in the upcoming months. Am I required to renew my license?
- A.** State law automatically has extended the renewal of your liquor license. You will not be required to renew your license until December 31, 2020 (unless further extended by future Executive Orders).
- IMPORTANT: If you are able to renew your license before December 31, 2020, it is highly recommended that you renew it as soon as possible in order to avoid administrative delays later. You are encouraged to visit [MyTaxIllinois.gov](https://mytaxillinois.gov) to renew your license online. You may not receive additional renewal notices prior to December 31, 2020.**
- Q.** It has been more than 30 days since I paid my distributor for a wine and/or spirits delivery. May I continue to purchase wine and spirits from a distributor if I have not fully paid the debt?
- A.** Yes but this allowance will end on July 27, 2020. State law suspended the enforcement of the wine and spirits Delinquency List until July 27, 2020. Until that that time, it is not a violation of the Liquor Control Act for a distributor to sell and deliver wine and spirits to a licensed retailer who has an existing unpaid debt for a prior wine and spirits purchase and delivery (over 30 days).
- Q.** Do I still need to pay the debt I owe to a distributor?

- A.** Yes. State law does not forgive the debt owed by a retailer to a distributor. On July 27, 2020, a retailer who still owes a debt beyond 30 days to a distributor will be placed on the Delinquent List again and will not be allowed to purchase wine and spirits from any distributor until the full debt is paid. **Therefore, it is highly recommended that a retailer pay all outstanding wine and spirits invoices that are or will be over 30 days due as soon as possible.**
- Q.** If I owe a debt to a distributor, does the distributor have to extend credit for a wine and spirits order?
- A.** No. A distributor may choose to sell wine and spirits to a retailer "cash on delivery" (cash or cash equivalent like a check). If a distributor chooses to extend credit to a retailer, it shall be required to extend credit to all similarly situated retailers. Distributor criteria for extending credit to a delinquent retailer shall not be based on the volume of business transactions between distributor and retailer.
- Q.** If I have an active state liquor license but my business is closed or I conduct sales and delivery for off-premises consumption only, do I still need to maintain liquor liability/dramshop coverage?
- A.** The State Commission will not issue a citation for a lapse in liquor liability/dramshop coverage for **closed businesses or businesses conducting off-premises sales and delivery only**. Businesses SHALL NOT sell alcoholic liquor for consumption in any indoor or outdoor area of the premises without maintaining active liquor liability/dramshop coverage. Businesses that re-open for indoor/outdoor alcohol beverage consumption in Phase 4 of the Restore Illinois Plan without active liquor liability/dramshop coverage will be prosecuted.

IMPORTANT: License holders must check with the local commissioner and local ordinances to verify that local laws do not require continued insurance coverage for closed businesses or businesses conducting sales and delivery for off-premises consumption only.



P.A.101-0631, effective June 2, 2020, amends the Liquor Control Act of 1934, 235 ILCS 5/5-1, 5/5-5, 5/5-7(new), 5/6-1 and 5/6-5 with regards to the State of Illinois Liquor License renewals. As a result of COVID-19 the new law allows for the automatic extension of liquor license renewals and the suspension of late filing fees for businesses or business operations that have been suspended in any capacity due to an executive order issued on or after March 16, 2020 or any subsequent rule established by the Department of Public Health or any other agency of the State as a result of COVID-19.

1. All licenses are automatically extended through December 31, 2020.
2. No renewal fees or late fees will be charged until December 31, 2020 (Renewal will be charged if you renew before December 31, 2020).

For licensees that require local approval, the licensee will need proof of a local liquor license (in addition to other required documents). Proof of the local license can be:

- A copy of the current unexpired license OR
- A copy of the written authorization of the local liquor control commission to extend the local license expiration date.

IMPORTANT: License holders do not have to wait to renew licenses. If a license holder chooses to renew a license when it originally expires or at any time between original expiration and December 31, 2020, the license holder may renew a license online at [MyTaxIllinois.gov](https://mytax.illinois.gov). License holders are encouraged to renew licenses prior to December 31, 2020 in order to avoid administrative delays at the end of the year. If licenses expire due to administrative limitations, there will be no further extensions granted.

IMPORTANT: License holders may not receive an additional notice to renew licenses. Even if license holders do not receive an additional renewal notice, all license holders are required to renew licenses and pay license fees no later than December 31, 2020.

NOTE: The dates cited above are subject to be extended if Executive Orders extend the prohibition on indoor dining and drinking.

Steps for the online renewal option:

1. Log into your MyTax Illinois account by visiting mytax.illinois.gov on the web.
2. Go to LCC under your accounts and you will need to select the license number you renewing.
3. Click on the "Renew" link next to the license period (2021) under your license number.
4. Enter the required information and provide attachments as requested (option to add attachment in left sidebar menu). Note on the first page you will need to check the box in the contact information section in order to enter your email information you will also need to enter your local liquor license and insurance information.
5. You will be required to attach supporting documents- look for required supporting documents- yellow arrow will indicate what Supporting documents are required.
6. You can pay the license fee with an electronic debit or MasterCard, Discover, American Express, or Visa credit card. Note: The credit card service provider will assess a convenience fee. (New! The credit card payment option is now available.)

Note if paying with electronic debit make sure to check the box- certifying the funds on the top of the page.

How to Print ILCC Correspondence Letters & Licenses

Liquor License



PRINT DATE MM/DD/YYYY



Letter ID: L0000000000

CORPORATION NAME
BUSINESS NAME
MAILING ADDRESS
CITY STATE ZIP CODE

License No.: 1A-0000000
Expiration Date: 08/31/17
License Type: RETAILER


Account ID: 39568471

MyTax
Illinois

- Log into your MyTax Account (Name & Password Required)
- Locate the LCC License Number
- Click **LCC** next to the license Number

LCC Account

- Locate & Click **Correspondence** Tab
- Right-hand side of the screen you will see **Unread Letters**
- Click **View Letters**
- Under this Letters view, you will see **any & all** correspondence letters including the issued State License.

 <p>STATE OF ILLINOIS LIQUOR CONTROL COMMISSION Governor Bruce Rauner</p>		Letter ID: L0000000000	
		<p>1A-0000000</p> <p>License Number</p>	
<p>IN ACCORDANCE WITH THE LIQUOR CONTROL ACT OF 1934, THIS CERTIFIES THAT:</p> <p>CORPORATION NAME BUSINESS NAME BUSINESS ADDRESS CITY STATE ZIP CODE</p> <p>COUNTY</p>		<p>HAS PAID ALL FEES AND IS ISSUED A LICENSE IN THE FOLLOWING CLASS:</p> <p>ISSUE DATE: MM/DD/YYYY Effect: MM/DD/YYYY</p> <p>THIS LICENSE EXPIRES ON: MM/DD/YYYY</p>	<p>RETAILER OFF-PREMISES</p>
<p>THIS LICENSE MUST BE FRAMED AND HUNG IN PLAIN VIEW IN A CONSPICUOUS PLACE ON THE LICENSED PREMISES. Warehouse: N/A</p>		<p>Sales Tax Acct # 00000000 THIS LICENSE NOT TRANSFERABLE AS TO PRINCIPAL</p>	

Delinquencies and Bona Fide Disputes

Most licensed retailers know that they are required to pay the full invoiced amount of wine and spirits products to their licensed distributor no later than thirty (30) days from the product delivery date. Many retailers may not know, however, that the law gives them recourse if they disagree with the amount to be paid to a distributor. The law allows a retailer to file a “bona fide dispute” with the Illinois Liquor Control Commission (“State Commission”). More importantly, while the bona fide dispute is pending, the retailer may continue to purchase wine and spirits products from all distributors.

The Illinois Liquor Control Act (“Act”) allows a licensed distributor of wine and spirits (not beer) to sell to a licensed retailer on credit. The Act, however, limits the extension of such credit to a maximum of thirty (30) calendar days. In other words, if a distributor delivers wine and spirits products to a retailer, the retailer shall pay the distributor no later than thirty (30) calendar days after the date of the delivery of such product. If the retailer does not make such a payment, the distributor is required by law to report the retailer as “delinquent.” All distributors are required to report such delinquencies weekly to the Commission. The retailer is then placed on a “Delinquency List” posted by the Illinois Liquor Control Commission website every Thursday and updated daily. All distributors of wine and spirits must consult the Delinquency List prior to the sale and delivery of wine and spirits to a retailer. If the retailer appears on the Delinquency List, distributors are legally prohibited from selling wine and spirits to the retailer on the Delinquency List as well as other commonly owned licensed retailers.

Bona Fide Disputes

A retailer placed on the Delinquency List by a distributor is not without recourse. The Act states: “A retail licensee shall not be deemed to be delinquent in payment for any alleged sale to him of alcoholic liquor when there exists a **bona fide dispute** between ...” retailer and licensed distributor. 235 ILCS 5/6-5 (emphasis added). The State Commission has customarily determined that a bona

fide dispute exists when a retailer notifies the State Commission that the retailer disagrees with the distributor in the payment amount owed. Once the State Commission receives notification that a retailer is contesting the distributor’s final payment determination, the State Commission will cause the retailer to be removed from the Delinquency List. Removal from the List will enable all distributors to continue to sell and deliver wine and spirits products to the licensed retailer.



Special COVID-19 Suspension of the Delinquency List

Due to COVID-19, the Delinquency List has been suspended for the period of June 2, 2020 until July 27, 2020. As such, distributors may make sales and extend credit to those with an outstanding debt. However, beginning on July 27, 2020, the Delinquency List will be reinstated, and distributors will be prohibited from making sales to any retailer placed on the list. Any business that previously filed a Bona-Fide dispute which has not been resolved, will need to file a new Bona-Fide dispute upon the resumption of the Delinquency List. The ILCC has published detailed guidance regarding the COVID-19 suspension of the Delinquency List which can be found on the ILCC website.

What's the Mix-up? Pre-mix vs. Infusion

Retailers have a plethora of options when choosing products to serve to their consumers. Among those options are pre-mix drinks and infusions. While these two options might appear to be much the same, they are different. Knowing the differences is very important to ensure retailers are complying with ILCC regulations regarding these products.

First, what is a pre-mixed alcoholic beverage or "pre-mix"? While this term is not specifically defined, a pre-mix is any concoction containing alcoholic beverages which has been mixed ahead of time to more quickly serve the consumer. Some examples of a pre-mix would be Vegas bombs, Long Island Iced Tea, Bloody Marys, Jello Shots, and sangria. While this list is not exhaustive, it does provide some typical examples seen by our Special Agents. If a drink is mixed at the time of the order or the pre-mixed concoction does **NOT** contain alcoholic liquors, this would **NOT** be considered a pre-mix. If the drink is a pre-mix, a retailer must comply with a few laws and/or rules. First, Rule 100.160(e) requires the retailer to comply with prohibitions against refilling found in Rule 100.290(c), also found in 235 ILCS 5/6-22. This means that a retailer may not use an empty liquor bottle to store or serve a pre-mix. Next, Rule 100.160(e) requires that a pre-mix container or system must be drained, contents disposed of, and thoroughly cleaned at least **once per week**. This means that a pre-mix may only be served for up to one week after being made before it must be destroyed. A retailer can prove this is being done with a label placed on the container or machine. That label should contain the date the pre-mix was made (i.e., "production date") and the alcoholic liquor(s) contained therein. If a container or machine is not labeled, it is assumed that the product is more than one week old and must be destroyed. Additionally, retailers must maintain a cleaning log for mechanical systems such as, but not limited to, frozen margarita machines used for the service of pre-mix. This log must contain the date of the cleaning(s) and the signature of the person who

performed the cleaning, exactly like the requirements for a draught system cleaning log.

Next, what is an "infusion"? By definition (see 235 ILCS 5/6-22.5), an infusion is "a spirit where ingredients, including but not limited to, fruits, spices, or nuts, are added to naturally infuse flavor into the spirit." This definition provides a very important distinction between an infusion and a pre-mix – an infusion may only be made from a single distilled spirit. An example would be fruit-infused vodka, which could be made by placing fresh peaches into a sanitary container of vodka. If the mixture is based on any other type of alcoholic liquor, such as wine, it cannot be considered an infusion. As a result, any type of pre-mixed alcoholic beverage that does not meet this definition will be considered a pre-mix and must comply with those requirements. The statute also provides specific requirements for compliance. First, the infusion must be mixed and stored on the licensed premises. A licensee may not mix it at home and bring it back to the business. Second, the infusion container is required to have a lid and be in sanitary conditions. Third, the infusion cannot be aged more than 14 days. Aging is considered the time between production and service to the consumer where the spirit is infused with the natural flavor of the ingredients. Fourth, the infusion must be used or destroyed within 21 after ending the aging process. Fifth, the licensee must maintain cleaning records for all containers used to store the infusion(s). Finally, the infusion container must contain a label with the following pieces of information: production date of the infusion, the base spirit of the infusion, the date the infusion will end the aging process, and the date by which the infusion must be destroyed.

This topic can be very confusing, so we've including a reference chart below to compare pre-mixes with infusions. Should you have any further questions, please feel free to contact our office.

	Pre-mix	Infusion
Alcoholic liquors used	Any type and number of alcoholic liquors	A singled distilled spirt
Must be made and stored on premises?	YES	YES
Can be served from empty alcoholic liquor bottles	NO	NO
Amount of time for aging	None	No more than 14 days after production
Amount of time can be used before destruction required	7 days	21 days after ending the aging process
Cleaning log required	Only for mechanical systems	Yes for all infusion containers
Label required?	YES	YES
Label information required?	Date of production and alcoholic liquors used	1. Date of production; 2. Base spirit; 3. Date aging ended [not more than 14 days after #1]; and 4. Date by which product must be destroyed [not more than 21 days after #3]

April is designated "National Alcohol Awareness Month," a time to increase public awareness and understanding, reduce stigma and encourage local communities to focus on alcohol and alcohol-related issues and consequences. The ILCC hosted a webinar on April 22nd titled, **ALCOHOLISM AND THE BAR: ETHICAL CONSIDERATIONS FOR LAWYERS**. Alcoholism rates among practicing attorneys run twice the national average. Such problems can lead to disciplinary action, including license suspension and revocation. Under the Amended Supreme Court Rule 794(d), Illinois attorneys are required to take one hour of mental health and substance abuse CLE as part of their six-hour professional responsibility requirement. Our April 22nd webinar was approved for 1.0 hours of professional responsibility credit.

On June 23rd, the ILCC hosted a 2nd webinar titled, **Social Host Law in Illinois**. National surveys have shown that most underage access

to alcohol comes from of-age family and friends. This is where social host liability can play a role in preventing underage drinking. Social host liability laws hold adults responsible for alcohol served to underage individuals (those under 21) on the adult's property. Jody Heavilin, from the Prevention First Alcohol Policy Resource Center,

provided background research and the Illinois Youth Survey results supporting social host ordinances. ILCC General Counsel Pamela Paziotopoulos went over the Drug or Alcohol Impaired Minor Responsibility Act (DAIMRA), Illinois' social host law. Both webinars were recorded and posted to the ILCC YouTube Channel.



Alcoholism And The Bar: Ethical Considerations For Lawyers

Moderator: Michelle Flagg, Illinois Liquor Control Commission, Industry Education Director, JD

Panelist: Tracy Kepler, Risk Control Consulting Director for CNA's Lawyers' Professional Liability Program, JD

Melissa A. Smart, Litigation Group Manager and Senior Counsel at the Illinois Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (ARDC), JD

Dr. Diana Uchiyama, Lawyers' Assistance Program (LAP), JD, Psy.D.

Community News & Events

ILCC Welcomes Commissioner Powell

The Illinois Liquor Control Commission would like to welcome Commissioner Powell to the Board. Chair Powell was nominated by Governor Pritzker on January 21, 2020. Powell is the President of UFCW Local 881 and serves as Vice-President of the International Executive Board. He also holds positions with the UFCW Midwest Health Benefits Fund (Trustee) and Chairs the Indiana Calumet River Region Health and Welfare Fund, and the UFCW Local 655 Health and Welfare Fund (Trustee). We at the ILCC look forward to Chair Powell's leadership on the Committee.



Chairman Cynthia Berg and Commissioners Thomas Gibbons, Patricia Pulido Sanchez, Melody Spann Cooper, Julieta LaMalfa, Donald G. O'Connell and recent appointee Steven M. Powell. Steve was appointed January 21, 2020 and this was his first board meeting. The next board meeting will be held online July 16, 2020.

Community News & Events

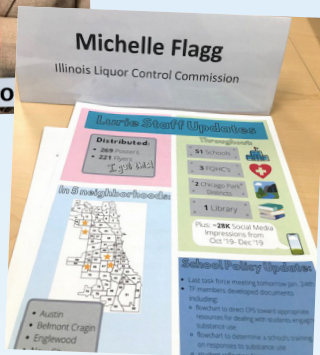


ILCC joined the Preventing Alcohol Abuse in Chicago Teens (PAACT) coalition in a Social Media Takeover.

PAACT is a multi-agency coalition convened by Lurie Children's to address the prevention of alcohol use among 8th – 12th graders in the City of Chicago.



Celebrated 86 Years of the Liquor Control Act of 1934, which established a three-tier system designed to regulate the way alcohol is manufactured, distributed, and sold.



ILCC shared educational materials regarding underage drinking prevention with staffers from offices of the Illinois General Assembly: 21st Senate district, 42nd Senate district, 45th Representative district, 77th Representative district and the 49th Representative district.

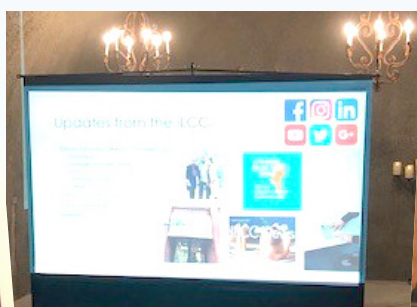
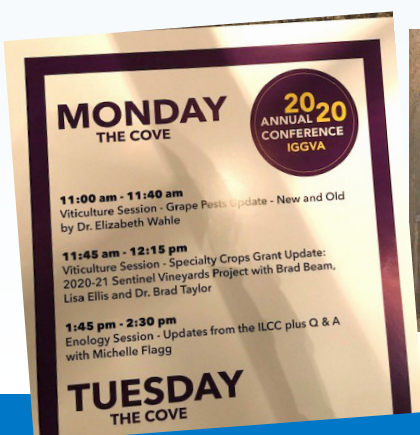


3rd Annual Prom & College Expo at Julian HS in Chicago. Distributed College Parent's Guide on Underage Drinking and Alcohol poisoning brochures to parents.



Project Sticker Shock asks adults to help prevent underage drinking. Stevenson High School students Carson Ezell, left, and Rebekah Jin, right, pose with the assistant manager at Sunset Foods as they dropped off materials for this year's Regional Sticker Shock event on June 19. (Courtesy of Carson Ezell)

Illinois Wine Grape Growers and Vintners Alliance Conference (February 24-25)



Controlling Risk

by Lee J. Roupas, ILCC BASSET Program Manager

The alcoholic beverage industry is classified as a high-risk industry. Not only is it a high risk for investors on the business aspect but more of a risk for legal ramifications that involve injuries, property damage, and deaths as a result of alcohol over service or negligence.

If a business does not have a plan for risk management in place there is the likelihood of facing fines, suspension/revocation of a liquor license, or lawsuits.

The first step is to have not only staff trained in risk management and alcohol server training, but owners and managers should be trained and educated to enact policies and procedures for everyone in the business to follow. To ensure employees understand actions that must be taken to prevent risks every business should have an employee handbook available. To communicate the policies and procedures are best done at employee orientations and staff meetings. Every business should have employee handbooks distributed with house policies and procedures to communicate what is expected and what risks need to be prevented and managed.

Staff must be educated on the type of risks, identify potential incidents, and be prepared to respond to the risks that they can encounter. Here are some common types of risk that liquor serving establishments face:

Types of Risks

- Thefts
- Violence
- Unruly patrons
- Floor hazards – slippery floors, broken glass, falls, etc.
- Broken glass injuries
- Fake IDs/underage drinking
- Third part liability
- Food and Liquor bottles contaminated
- Fire hazards
- Blocked exits
- Quality of life issues in the surrounding neighborhood
- Counterfeit money



Recommendations to Control Risks

- Identify potential problem drinkers.
- Anticipate potential incidents that occur during peak hours, last call, and closing hours.
- Communicate constantly with staff and patrons as much as possible.
- Have “floaters” canvassing the establishment.
- Place cameras in places that can film the inside and outside of the establishment.
- Put signage for slippery floors after an area has been mopped.
- Examine and check productive inventory to spot any contaminated products.
- Adhere to server training by spotting signs of intoxication, behavioral cues, and intervene to prevent further service of alcohol.
- Offer to food, or offer a cab, ride share, or a family member to pick up an impaired customer.
- Have a plan of action for each potential risk.
- Have proper lighting at the entrance way and around the premises.
- Place fire extinguishers and AED devices at the establishment where every staff member know the location.
- Post an emergency evacuation plan and prevent blocked exits.

Customer safety and controlling risks is a major key in the longevity of alcohol serving establishments. It can also create the necessary goodwill in the community to maintain a good quality of life in the community.

BASSET Issues and Information

New BASSET Email Address – The email address to submit your student rosters and post your class schedules has changed. Please send your rosters and class schedules to the new BASSET email address at LCC.BASSET@illinois.gov

BASSET Certification Renewals/ Expiration – Please inform your students and put on your website when their BASSET CERTIFICATION expires in three years, **THEY WILL HAVE TO TAKE THE COURSE AGAIN TO RENEW and GET RECERTIFIED.**

BASSET License Renewals – The ILCC no longer sends renewal applications, instead you will receive an email when your BASSET license is expired and time to renew to teach your courses.

Renew Your BASSET License Online – You can renew your BASSET license online at mytaxillinois.com. By renewing online, you will save \$50 on your license renewal from \$350 to \$300.

Online Providers – Please make sure you have a helpline or customer service email address in the event participants have technical difficulty or questions you will be available.

BASSET Rosters – Make sure students include apartment numbers or suite numbers for businesses.

BASSET Providers – If you receive calls for lost BASSET cards, give your student their student numbers then direct them to the ILCC website to print them off <https://www2.illinois.gov/ilcc/Education/SitePages/BASSETCard.aspx>

Order FREE Illinois Liquor Control Commission materials!

FREE Illinois Liquor Control Commission materials are available to all licensees. For free ILCC signage, posters, and door/cooler decals click on the link below.

<https://www2.illinois.gov/ilcc/Pages/Order-Signage.aspx>



100 West Randolph Street
Suite 7-801
Chicago, IL 60601



JB Pritzker
Governor

Cynthia Berg
Chairman

Thomas Gibbons
Patricia Pulido Sanchez
Melody Spann Cooper
Julietta LaMalfa
Donald G. O'Connell
Steven Powell
Commissioners

BASSET Training Required for Alcohol "To Go" and Delivery

To keep businesses running and staff employed Public Act 101-0631 was passed to allow on-premise establishments (bars and restaurants), to sell cocktails "to go", for takeout and delivery.

Along with this new mandate, Beverage Alcohol Sellers and Servers Education and Training (BASSET) is required for the curbside and delivery sales to prevent illegal sales of alcohol either to a minor or intoxicated person. Under this law third party delivery companies are prohibited to deliver cocktails or mixed drinks.



By including BASSET training in this act, BASSET certified employees must utilize the techniques in training to ensure proper carding techniques are utilized, handle refusal situations when necessary, and avoid third party sales and liability.

For BASSET training information go to the ILCC website and click on the BASSET training class directory at <https://www2.illinois.gov/ilcc/Education/Pages/BASSET/Training-Class-Directory.aspx> to sign up for a BASSET class.